

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Harold S. Jackson,

Plaintiff,

v.

Civil No. 11-1406 (JNE/JSM)
ORDER

Scott P. Fisher (Warden),
Mrs. B. Villarreal (Unit Manager), and
Mrs. H. Kensy (Case Manager),

Defendants.¹

In a Report and Recommendation (R&R) dated July 6, 2011, the Honorable Janie S. Mayeron, United States Magistrate Judge, recommended that Plaintiff's application to proceed in forma pauperis be denied and that this action be summarily dismissed without prejudice because Plaintiff has not tendered the partial filing fee required by the magistrate judge's order of June 3, 2011. The deadline for filing objections to the R&R was July 20, 2011. Plaintiff filed a motion for an extension of time to pay the partial filing fee or "in the worst case, dismiss his civil case without prejudice." The Court will treat Plaintiff's motion as both a motion for an extension of time to pay the partial filing fee and an objection to the R&R. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the R&R [Docket No. 5] and denies the motion for an extension of time to pay the partial filing fee.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff's Motion for Extension of Time [Docket No. 6] is DENIED.
2. Plaintiff's Amended Application to Proceed in Forma Pauperis [Docket No. 4] is DENIED.

¹ This caption reflects changes effected by Plaintiff when he filed the Amended Complaint.

3. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 27, 2011

s/ Joan N. Ericksen

JOAN N. ERICKSEN

United States District Judge